

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard Preston Blackwell,

Plaintiff,

v.

West St. Paul Police Department et al.,

Defendants.

Civil No. 23-cv-661 (ADM/DJF)

**ORDER ON REPORT
AND RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation (ECF No. 5) of the United States Magistrate Judge Dulce J. Foster. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (ECF No. 5) is **ADOPTED**;
2. Plaintiff Richard Preston Blackwell's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE UNDER 28 U.S.C. § 1915**;
3. Mr. Blackwell's Application to Proceed in District Court without Prepaying Fees and Costs (ECF No. 2) is **DENIED AS MOOT**; and
4. This Matter is Dismissed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 14, 2023

s/Ann D. Montgomery
Ann D. Montgomery
United States District Judge